

By: Rose

H.B. No. 7

A BILL TO BE ENTITLED

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AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Ranch at Clear Fork Creek Municipal Utility District No. 1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the district.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means the Ranch at Clear Fork Creek Municipal Utility District No. 1.

SECTION 2. CREATION. (a) A conservation and reclamation district to be known as the Ranch at Clear Fork Creek Municipal Utility District No. 1 is created in Caldwell County, subject to approval by the City of Umland, as provided by Section 7(b) of this Act, and to approval at a confirmation election under Section 12 of this Act.

(b) The district is a governmental agency and a political subdivision of this state.

SECTION 3. AUTHORITY FOR CREATION. The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

1 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
2 district is created to serve a public use and benefit.

3 (b) All of the land and other property included within the
4 boundaries of the district will be benefited by the works and
5 projects that are to be accomplished by the district under powers
6 conferred by Section 59, Article XVI, Texas Constitution.

7 SECTION 5. BOUNDARIES. The district includes the territory
8 contained within the following area:

9 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The
10 legislature finds that the boundaries and field notes of the
11 district form one or more closures. If a mistake is made in the
12 field notes or in copying the field notes in the legislative
13 process, the mistake does not affect in any way:

14 (1) the organization, existence, or validity of the
15 district;

16 (2) the right of the district to impose taxes; or

17 (3) the legality or operation of the district or the
18 board.

19 SECTION 7. POWERS. (a) The district has all of the rights,
20 powers, privileges, authority, functions, and duties provided by
21 the general law of this state, including Chapters 49 and 54, Water
22 Code, applicable to municipal utility districts created under
23 Section 59, Article XVI, Texas Constitution.

24 (b) The district is wholly located in the extraterritorial
25 jurisdiction of the City of Umland and is subject to the
26 requirements of municipal ordinances of the City of Umland
27 applicable to extraterritorial areas, unless the municipality's

1 governing body waives compliance. Creation of the district is
2 subject to approval of the City of Uhland, as provided by Section
3 42.042, Local Government Code, and Section 54.016, Water Code.

4 (c) Subject to the approval of the governing body of the
5 City of Uhland, the district may divide into two or more contiguous
6 districts as provided by Sections 51.749-51.758, Water Code,
7 without any further approval or consent.

8 (d) The rights, powers, privileges, authority, functions,
9 and duties of the district are subject to the continuing right of
10 supervision of the state to be exercised by and through the
11 commission.

12 SECTION 8. DEVELOPMENT AGREEMENT. (a) The district or the
13 owners of land within the district may enter into a written contract
14 with a municipality within whose extraterritorial jurisdiction the
15 district is wholly or partly located:

16 (1) guaranteeing the continuation of the
17 extraterritorial status of the district and its immunity from
18 annexation by the municipality for a period not to exceed 25 years;

19 (2) regulating the development within the boundaries
20 of the district in a manner that the parties agree will further the
21 health, safety, and welfare of the residents of the district; and

22 (3) containing other terms and consideration that the
23 district and the municipality agree to be reasonable and
24 appropriate.

25 (b) A contract under this section may be renewed or extended
26 for successive periods not to exceed 15 years.

27 SECTION 9. APPLICABILITY OF OTHER LAW. This Act prevails

1 over any provision of general law that is in conflict or
2 inconsistent with this Act.

3 SECTION 10. BOARD OF DIRECTORS. (a) The district is
4 governed by a board of five directors.

5 (b) Temporary directors serve until initial directors are
6 elected under Section 12 of this Act.

7 (c) Initial directors serve until the election of permanent
8 directors under Section 13 of this Act.

9 (d) Except as provided by Section 13(a) of this Act,
10 permanent directors serve staggered four-year terms.

11 (e) Each director must qualify to serve as director in the
12 manner provided by Section 49.055, Water Code.

13 SECTION 11. TEMPORARY DIRECTORS. (a) The temporary board
14 consists of:

- 15 (1) Barry Krieger;
- 16 (2) Tim Hendon;
- 17 (3) Shelly Ledyard;
- 18 (4) Michael Matz; and
- 19 (5) Danny Smith.

20 (b) If a temporary director fails to qualify for office, the
21 temporary directors who have qualified shall appoint a person to
22 fill the vacancy. If at any time there are fewer than three
23 qualified temporary directors, the commission shall appoint the
24 necessary number of persons to fill all vacancies on the board.

25 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

26 (a) Not later than the fourth anniversary of the effective date of
27 this Act, the temporary board shall hold an election to confirm

1 establishment of the district and to elect five initial directors
2 as provided by Section 49.102, Water Code.

3 (b) Section 41.001(a), Election Code, does not apply to a
4 confirmation and initial directors election held under this
5 section.

6 SECTION 13. ELECTION OF PERMANENT DIRECTORS. (a) On the
7 first Saturday in May of an even-numbered year occurring not later
8 than three years after the year in which the district is authorized
9 to be created at a confirmation election, an election shall be held
10 in the district to elect five permanent directors. The directors
11 elected shall draw lots to determine which two directors shall
12 serve two-year terms and which three shall serve four-year terms.

13 (b) On the first Saturday in May of each subsequent
14 even-numbered year, the appropriate number of directors shall be
15 elected.

16 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

17 (a) The legal notice of the intention to introduce this Act,
18 setting forth the general substance of this Act, has been published
19 as provided by law, and the notice and a copy of this Act have been
20 furnished to all persons, agencies, officials, or entities to which
21 they are required to be furnished under Section 59, Article XVI,
22 Texas Constitution, and Chapter 313, Government Code.

23 (b) The governor has submitted the notice and Act to the
24 commission.

25 (c) The commission has filed its recommendations relating
26 to this Act with the governor, lieutenant governor, and speaker of
27 the house of representatives within the required time.

1 (d) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act are fulfilled
4 and accomplished.

5 SECTION 15. EFFECTIVE DATE. This Act takes effect
6 immediately if it receives a vote of two-thirds of all the members
7 elected to each house, as provided by Section 39, Article III, Texas
8 Constitution. If this Act does not receive the vote necessary for
9 immediate effect, this Act takes effect on the 91st day after the
10 last day of the legislative session.